

### **REMARKS**

In response to the Office Action mailed June 25, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this application, each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The application as presented is believed to be in condition for allowance.

### **Objection to the Drawings**

The Office Action objects to the drawings asserting that the writing on these drawings is unclear. Applicant submits herewith replacement sheets for Figures 1-10 to address this objection. Accordingly, it is respectfully requests that the objection to the drawings be withdrawn.

### **Rejections Under 35 U.S.C. §112**

The Office Action rejects claim 113 under 35 U.S.C. §112, second paragraph asserting that the dependency of claim 113 from claim 1112 is unclear. Claim 113, as filed, depends from claim 112, not claim 1112. Thus, Applicant believes the claim is clear and satisfies the requirements of 35 U.S.C. §112, second paragraph. Accordingly, it is respectfully requested that the rejection of claim 112 be withdrawn.

### **Prior Art Rejections**

The Office Action rejects claims 1-67, 69-84, 86-104, and 106-116 under 35 U.S.C. §102(b) as purportedly being unpatentable over Heil (6,173,374), and rejects claims 68, 85, and 105 under 35 U.S.C. §103(a) as purportedly being obvious over Heil in view of Iskiyan (5,428,796). Applicant respectfully disagrees with each of these rejections.

### **Claims 1-62**

Applicant has amended independent claim 1 to incorporate the limitations of previously-pending dependent claim 13, has amended independent claim 21 to incorporate the limitations of previously-pending dependent claim 33, and has amended independent claim 41 to incorporate the limitations of previously-pending dependent claim 55.

As a result of these amendments, each of independent claims 1, 21, and 41 now includes limitations that relate to the unit of data being accessible in the storage environment by a content address that is based, at least in part, upon at least a portion of the content of the unit of data, and determining on which of the plurality of storage clusters the unit of data is stored based on the content address.

Heil fails to disclose or suggest this limitation, as Heil does not disclose or suggest that the storage cluster on which a unit of data is stored is determined by a content address that is based, at least in part, upon at least a portion of the content of the unit of data. The Office Action contends that Heil discloses this limitation at col. 8, lines 29-31. Applicant respectfully disagrees.

The cited portion of Heil relates to node to node communication and does discuss how units of data are addressed. That is, the cited portion of Heil discloses that Node 1 communicates with other nodes via a Fibre Channel backbone and uses unique addresses to direct communications to another processor. This section of Heil does not say anything about the address for a unit of data being in any way based upon the content of the unit of data.

To the contrary, the addresses for units of data used in the system of Heil appear to be block addresses that identify the locations on disk of the units of data. For example, at col. 7, lines 51-54, Heil discloses that the HBA interfaces 117.8 and 117.9 via which the HBA interfaces with local drives 118 are either SCSI interfaces or Fibre Channel Arbitrated Loop interfaces, both of which use block addresses that identify physical or logical disk locations, to identify units of data. Moreover, at col. 11, lines 44-64, Heil discloses that an I/O request requests particular blocks of data. Thus, it appears that the I/O request accesses units of data using a block address that is entirely based on the physical or logical storage location of the unit of data, and not in any way based on the content of the unit of data.

As such, each of independent claims 1, 21, and 41 patentably distinguishes over Heil. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. §102 be withdrawn.

Claims 2-12 and 14-20 depend from claim 1, claims 22-32 and 34-40 depend from claim 21, and claims 42-54 and 56-52 depend from claim 41. Each of these dependent claims is patentable

for at least the same reasons as its respective independent claim. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

### **Claims 63-116**

Applicant has amended independent claim 63 to incorporate the limitations of previously-pending dependent claim 72, has amended independent claim 80 to incorporate the limitations of previously-pending dependent claim 89, and has amended independent claim 97 to incorporate the limitations of previously-pending dependent claim 109.

As a result of these amendments, each of independent claims 63, 72, and 89 now includes limitations that relate to the unit of data being accessible in the storage environment by a content address that is based, at least in part, upon at least a portion of the content of the unit of data, and selecting one of the plurality of storage clusters to store the unit of data based on the content address.

As should be clear from the discussion above, Heil fails to disclose or suggest units of data that are accessible by content addresses. Thus, each of independent claims 63, 80, and 97 patentably distinguishes over Heil.

Claims 64-71 and 73-79 depend from claim 63, claims 81-88 and 90-96 depend from claim 80, and claims 98-108 and 110-116 depend from claim 97. Each of these dependent claims is patentable for at least the same reasons as its respective independent claim. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

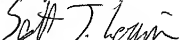
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: September 25, 2008

Respectfully submitted,

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